



General Assembly

January Session, 2009

**Amendment**

LCO No. 7013

**\*SB0063807013SD0\***

Offered by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. GAFFEY, 13<sup>th</sup> Dist.

SEN. HANDLEY, 4<sup>th</sup> Dist.

SEN. MCDONALD, 27<sup>th</sup> Dist.

SEN. STILLMAN, 20<sup>th</sup> Dist.

SEN. SLOSSBERG, 14<sup>th</sup> Dist.

SEN. CRISCO, 17<sup>th</sup> Dist.

To: Subst. Senate Bill No. 638

File No. 119

Cal. No. 149

**"AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR COLONOSCOPIES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective January 1, 2010*) (a) Any insurer, health  
4 care center, hospital service corporation, medical service corporation,  
5 fraternal benefit society or other entity that delivers, issues for  
6 delivery, renews, amends or continues in this state a group health  
7 insurance policy providing coverage of the type specified in  
8 subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of the general  
9 statutes shall offer a reasonably designed health behavior wellness,  
10 maintenance or improvement program that allows for a reward, a  
11 health spending account contribution, a reduction in premiums or  
12 reduced medical, prescription drug or equipment copayment,  
13 coinsurance or deductible, or a combination of these incentives, for

14 participation in such program.

15 (b) Any such incentive or reward shall not exceed twenty per cent of  
16 the paid premiums and shall comply with all nondiscrimination  
17 requirements under the Health Insurance Portability and  
18 Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended from  
19 time to time, or regulations adopted thereunder.

20 (c) The insured or enrollee shall provide evidence of participation in  
21 such program to the insurer, health care center or other entity set forth  
22 in subsection (a) of this section in a manner approved by the Insurance  
23 Commissioner.

24 (d) The Insurance Commissioner, in consultation with the  
25 Commissioner of Public Health, shall adopt regulations, in accordance  
26 with chapter 54 of the general statutes, to establish the criteria and  
27 procedures for the approval of such health behavior wellness,  
28 maintenance or improvement programs.

29 Sec. 502. Section 38a-825 of the general statutes is repealed and the  
30 following is substituted in lieu thereof (*Effective January 1, 2010*):

31 [No] Except as provided in section 501 of this act, no insurance  
32 company doing business in this state, or attorney, producer or any  
33 other person shall pay or allow, or offer to pay or allow, as inducement  
34 to insurance, any rebate of premium payable on the policy, or any  
35 special favor or advantage in the dividends or other benefits to accrue  
36 thereon, or any valuable consideration or inducement not specified in  
37 the policy of insurance. [No] Except as provided in section 501 of this  
38 act, no person shall receive or accept from any company, or attorney,  
39 producer or any other person, as inducement to insurance, any such  
40 rebate of premium payable on the policy, or any special favor or  
41 advantage in the dividends or other benefit to accrue thereon, or any  
42 valuable consideration or inducement not specified in the policy of  
43 insurance. No person shall be excused from testifying or from  
44 producing any books, papers, contracts, agreements or documents, at  
45 the trial of any other person charged with the violation of any

46 provision of this section or of section 38a-446, on the ground that such  
47 testimony or evidence may tend to incriminate him, but no person  
48 shall be prosecuted for any act concerning which he is compelled to so  
49 testify or produce documentary or other evidence, except for perjury  
50 committed in so testifying.

51 Sec. 503. Subdivision (9) of section 38a-816 of the general statutes is  
52 repealed and the following is substituted in lieu thereof (*Effective*  
53 *January 1, 2010*):

54 (9) Any violation of any one of sections 38a-358, 38a-446, 38a-447,  
55 38a-488, 38a-825, as amended by this act, 38a-826, 38a-828 and 38a-829.  
56 None of the following practices shall be considered discrimination  
57 within the meaning of section 38a-446 or 38a-488 or a rebate within the  
58 meaning of section 38a-825: (a) Paying bonuses to policyholders or  
59 otherwise abating their premiums in whole or in part out of surplus  
60 accumulated from nonparticipating insurance, provided any such  
61 bonuses or abatement of premiums shall be fair and equitable to  
62 policyholders and for the best interests of the company and its  
63 policyholders; (b) in the case of policies issued on the industrial debit  
64 plan, making allowance to policyholders who have continuously for a  
65 specified period made premium payments directly to an office of the  
66 insurer in an amount which fairly represents the saving in collection  
67 expense; (c) readjustment of the rate of premium for a group insurance  
68 policy based on loss or expense experience, or both, at the end of the  
69 first or any subsequent policy year, which may be made retroactive for  
70 such policy year; (d) paying a reward, making a health spending  
71 account contribution, or allowing a reduction in premiums or reduced  
72 medical, prescription drug or equipment copayment, coinsurance or  
73 deductible, or a combination of these incentives to an insured or  
74 enrollee in accordance with section 501 of this act.

75 Sec. 504. Section 38a-623 of the general statutes is repealed and the  
76 following is substituted in lieu thereof (*Effective January 1, 2010*):

77 No society doing business in this state shall make or permit any

78 unfair discrimination between insured members of the same class and  
79 equal expectation of life in the premiums charged for certificates of  
80 insurance, in the dividends or other benefits payable thereon or in any  
81 other of the terms and conditions of the contracts it makes. [No] Except  
82 as provided in section 501 of this act, no society, by itself, or any other  
83 party, and no agent or solicitor, personally, or by any other party, shall  
84 offer, promise, allow, give, set off or pay, directly or indirectly, any  
85 valuable consideration or inducement to or for insurance, on any risk  
86 authorized to be taken by such society [, which] that is not specified in  
87 the certificate. [No] Except as provided in section 501 of this act, no  
88 member shall receive or accept, directly or indirectly, any rebate of  
89 premium, or part thereof, or agent's or solicitor's commission thereon,  
90 payable on any certificate or receive or accept any favor or advantage  
91 or share in the dividends or other benefits to accrue on, or any  
92 valuable consideration or inducement not specified in, the contract of  
93 insurance."